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STATE OF NEBRASKA

**STATUTES RELATING TO
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

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STATUTES PERTAINING TO THE PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

71-1,186. Terms, defined. As used in sections 71-1,186 to 71-1,196 and elsewhere in the Uniform Licensing Law, unless the context otherwise requires:

- (1) Board shall mean the Board of Audiology and Speech-Language Pathology;
- (2) Practice of audiology shall mean the application of principles, methods, and procedures for testing, measuring, and monitoring hearing, preparation of ear impressions and selection of hearing aids, aural rehabilitation, hearing conservation, vestibular testing of patients when vestibular testing is done as a result of a referral by a physician, and instruction related to hearing and disorders of hearing for the purpose of preventing, identifying, evaluating, and minimizing the effects of such disorders and conditions but shall not include the practice of medical diagnosis, medical treatment, or surgery;
- (3) Audiologist shall mean an individual who practices audiology and who presents himself or herself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of services;
- (4) Practice of speech-language pathology shall mean the application of principles, methods, and procedures for the evaluation, monitoring, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of preventing, identifying, evaluating, and minimizing the effects of such disorders and conditions but shall not include the practice of medical diagnosis, medical treatment, or surgery;
- (5) Speech-language pathologist shall mean an individual who presents himself or herself to the public by any title or description of services incorporating the words speech-language pathologist, speech therapist, speech correctionist, speech clinician, language pathologist, language therapist, language clinician, logopedist, communicologist, aphasiologist, aphasia therapist, voice pathologist, voice therapist, voice clinician, phoniatrist, or any similar title, term, or description of services; and
- (6) Communication assistant shall mean any person who, following specified training and receiving specified supervision, provides specified limited structured communication services, which are developed and supervised by a licensed audiologist or speech-language pathologist, in the areas in which the supervisor holds licenses.

Source: Laws 1978, LB 406, § 13; Laws 1985, LB 129, § 14; Laws 1988, LB 1100, § 66; Laws 1999, LB 828, § 130. Effective date August 28, 1999.

71-1,186.01. Legislative intent. It is the intent of the Legislature, through sections 71-1,186 to 71-1,196, to safeguard the life and health of the citizens of this state and to ensure that the audiologists and speech-language pathologists serving the public meet minimum standards of proficiency and competency.

Source: Laws 1985, LB 129, §13. Operative date July 1, 1985.

71-1,187. Practice of audiology or speech-language pathology; law, how construed. Nothing in the Uniform Licensing Law shall be construed to prevent or restrict:

- (1) The practice of audiology or speech-language pathology or the use of the official title of such practice by a person employed as a speech-language pathologist or audiologist by the federal government;
- (2) A physician from engaging in the practice of medicine and surgery or any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery under the supervision of a physician;
- (3) A person licensed as a hearing aid fitter and dealer in this state from engaging in the fitting, selling, and servicing of hearing aids or performing such other duties as defined in sections 71-4701 to 71-4719;
- (4) The practice of audiology or speech-language pathology or the use of the official title of such practice by a person who holds a valid and current credential as a speech or hearing specialist issued by the State Department of Education, if such person performs speech-language pathology or audiology services solely as a part of his or her duties within an agency, institution, or organization for which no fee is paid directly or indirectly by the recipient of such service and under the jurisdiction of the State Department of Education, but such person may elect to be within the jurisdiction of sections 71-1,186 to 71-1,196; or
- (5) The clinical practice in audiology or speech-language pathology required for students enrolled in an accredited college or university pursuing a major in audiology or speech-language pathology, if such clinical practices are supervised by a person licensed to practice audiology or speech-language pathology and if the student is designated by a title such as trainee or other title clearly indicating the training status.

Source: Laws 1978, LB 406, § 14; Laws 1985, LB 129, § 15; Laws 1990, LB 828, § 1; Laws 2001, LB 209, § 11. Effective date February 14, 2001.

71-1,188. Licensed professional; nonresident; practice of audiology or speech-language pathology; act; how construed. Nothing in sections 71-1,186 to 71-1,196 shall be construed to prevent or restrict (1) a qualified person licensed in this state from engaging in the profession for which he or she is licensed if he or she does not present himself or herself to be an audiologist or speech-language pathologist or (2) the performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under such sections, if such services are performed for not more than thirty days in any calendar year, if such person meets the qualifications and requirements for application for

licensure under such sections, if such person is working under the supervision of a person licensed to practice speech-language pathology or audiology, and if such person registers with the board prior to initiation of professional services.

Source: Laws 1978, LB 406, §15; Laws 1985, LB 129, §16; Laws 1990, LB 828, §2. Effective date July 10, 1990.

71-1,189. Audiologist; initiate aural rehabilitation; when. Before any audiologist initiates any aural rehabilitation for an individual, the audiologist shall have in his or her possession evidence of a current otologic examination performed by a physician or the audiologist shall issue a written statement that the individual has been informed that he or she may have a medically or surgically remediable hearing loss and should seek the advice of a physician. The audiologist and the individual receiving aural rehabilitation shall sign the statement and a copy of the statement shall be provided to the individual. All vestibular testing performed by an audiologist shall be done at the referral of a physician and, whenever possible, at the referral of an otolaryngologist or neurologist.

Source: Laws 1978, LB 406, §16; Laws 1985, LB 129, §17. Operative date July 1, 1985.

71-1,190. Practice of audiology or speech-language pathology; license; applicant; requirements. Every applicant for a license to practice audiology or speech-language pathology shall (1) present proof of a master's degree or its equivalent in audiology or speech-language pathology from an academic program approved by the board, (2) present proof of at least nine calendar months of full-time professional experience or eighteen months of at least half-time professional experience in speech-language pathology or audiology, supervised in the area in which licensure is sought, and (3) successfully complete an examination approved by the department on recommendation of the board. Presentation of official documentation of certification by a nationwide professional accrediting organization approved by the board shall be deemed equivalent to subdivisions (1), (2), and (3) of this section.

Source: Laws 1978, LB 406, §17; Laws 1985, LB 129, §18; Laws 1988, LB 1100, §67. Operative date April 8, 1988.

71-1,190.01. Audiologists and speech-language pathologists; license required. Commencing July 1, 1985, all audiologists and speech-language pathologists, except those specified in section 71-1,187, shall be required to be licensed by the Department of Health and Human Services Regulation and Licensure.

Source: Laws 1985, LB 129, §32; Laws 1996, LB 1044, §471. Operative date January 1, 1997.

71-1,191. National examination in audiology or speech-language pathology; use. The board may recommend to the department that a national examination in audiology or speech-language pathology be approved in lieu of or in addition to an examination given by the board. When only a national examination is used, no examination fee will be charged by the board. The board shall recommend a passing score to the department.

Source: Laws 1978, LB 406, § 18; Laws 1985, LB 129, § 19; Laws 1996, LB 1044, § 472; Laws 1999, LB 828, § 131. Effective date August 28, 1999.

71-1,192. Practice of audiology or speech-language pathology; reciprocity. The board may approve, without examination, any person who holds credentials either through licensure in another state or territory of the United States or in the District of Columbia or certification by a nationwide professional accrediting organization, recognized as such by the board, if such licensure or certification is equivalent to the requirements of the Uniform Licensing Law.

Source: Laws 1978, LB 406, § 19; Laws 1985, LB 129, § 20; Laws 1999, LB 828, § 132. Effective date August 28, 1999.

71-1,193. Audiology and speech-language pathology; license; renewal; continuing competency requirements. Each Nebraska-licensed audiologist and speech-language pathologist in active practice in this state shall complete continuing competency activities as required by the board pursuant to section 71-1,161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 1978, LB 406, § 20; Laws 1985, LB 129, § 21; Laws 2002, LB 1021, § 26. Operative date January 1, 2003.

71-1,194. Practice of audiology or speech-language pathology; temporary license; granted; when; disciplinary actions. (1) A temporary license to practice audiology or speech-language pathology may be granted to persons who establish residence in Nebraska and (a) who meet all the requirements for a license except passage of the examination required by section 71-1,190, which temporary license shall be valid only until the date on which the results of the next licensure examination are available to the department and shall not be renewed, or (b) who meet all the requirements for a license except completion of the professional experience required by section 71-1,190, which temporary license shall be valid only until the sooner of completion of such professional experience or eighteen months and shall not be renewed.

(2) The department shall have the power to deny, revoke, limit, suspend, or otherwise discipline a temporary license to practice audiology or speech-language pathology upon the grounds and in accordance with the Uniform Licensing Law.

Source: Laws 1978, LB 406, § 21; Laws 1985, LB 129, § 22; Laws 1988, LB 1100, § 68; Laws 1991, LB 456, § 28; Laws 2001, LB 209, § 12; Laws 2003, LB 242, § 59. Operative date July 1, 2004.

71-1,195. Repealed. Laws 1985, LB 129, §36.

71-1,195.01. Communication assistant; registration; requirements. (1) Upon application and payment of the registration fee, the department shall register to practice as a communication assistant any person who:

- (a) Is a graduate of an accredited high school or its equivalent;
- (b) Has successfully completed all required training pursuant to sections 71-1,195.04 and 71-1,195.05 and any inservice training required pursuant to section 71-1,195.09; and
- (c) Has demonstrated ability to reliably maintain records and provide treatment under the supervision of a licensed audiologist or speech-language pathologist.

(2) Such registration shall be valid for one year from the date of issuance.

(3) The board shall, with the approval of the department, adopt and promulgate rules and regulations necessary to administer sections 71-1,195.01 to 71-1,195.09.

Source: Laws 1985, LB 129, § 23; Laws 1988, LB 1100, § 69; Laws 2002, LB 1021, § 27; Laws 2003, LB 242, § 60. Operative date July 1, 2004.

71-1,195.02. Communication assistant; supervision; termination. (1) The department, upon recommendation of the board, shall approve an application submitted by an audiologist or speech-language pathologist for supervision for a communication assistant when:

- (a) The communication assistant meets the requirements for registration pursuant to section 71-1,195.01;
- (b) The audiologist or speech-language pathologist has a valid Nebraska license; and
- (c) The audiologist or speech-language pathologist practices in Nebraska.

(2) Any audiologist or speech-language pathologist seeking approval for supervision of a communication assistant shall submit an application which is signed by the communication assistant and the audiologist or speech-language pathologist with whom he or she is associated. Such application shall (a) identify the settings within which the communication assistant is authorized to practice and (b) describe the agreed-upon functions that the communication assistant may perform as provided in section 71-1,195.06.

(3) If the supervision of a communication assistant is terminated by the audiologist, speech-language pathologist, or communication assistant, the audiologist or speech-language pathologist shall notify the department of such termination. An audiologist or speech-language pathologist who thereafter assumes the responsibility for such supervision shall obtain a certificate of approval to supervise a communication assistant from the department prior to the use of the communication assistant in the practice of audiology or speech-language pathology.

Source: Laws 1985, LB 129, §24; Laws 1987, LB 473, §30; Laws 1988, LB 1100, §70. Operative date April 8, 1988.

71-1,195.03. Communication assistant; supervisor; department; disciplinary actions; procedure. The department may deny, suspend, limit, revoke, or otherwise discipline the registration of a communication assistant or the approval of a supervising audiologist or speech-language pathologist granted under sections 71-1,195.01 and 71-1,195.02 upon the grounds and in accordance with the Uniform Licensing Law for any violation of sections 71-1,195.01 to 71-1,195.09.

Source: Laws 1985, LB 129, §25; Laws 1988, LB 1100, §71; Laws 1991, LB 456, §29. Effective date September 6, 1991.

71-1,195.04. Communication assistant; initial training. Initial training for a communication assistant shall consist of at least twelve hours and shall include:

- (1) An overview of speech and language and the practice of audiology and speech-language pathology;
- (2) Ethical and legal responsibilities;
- (3) Normal language, speech, and hearing functions;
- (4) Observing and recording patient progress;
- (5) Behavior management and modification; and
- (6) Record keeping.

Source: Laws 1985, LB 129, §26; Laws 1988, LB 1100, §72. Operative date April 8, 1988.

71-1,195.05. Communication assistant; aural rehabilitation programs; training. In addition to the initial training required by section 71-1,195.04, any communication assistant assigned to provide aural rehabilitation programs shall have additional training which shall include, but not be limited to:

- (1) Information concerning the nature of hearing loss;
- (2) Purposes and principles of auditory and visual training;
- (3) Maintenance and use of amplification devices; and

(4) Such other subjects as the department may deem appropriate.

Source: Laws 1985, LB 129, §27; Laws 1988, LB 1100, §73. Operative date April 8, 1988.

71-1,195.06. Communication assistant; duties and activities. A communication assistant may, under the supervision of a licensed audiologist or speech-language pathologist, perform the following duties and activities:

(1) Implement programs and procedures designed by a licensed audiologist or speech-language pathologist which develop or refine receptive and expressive verbal and nonverbal communication skills;

(2) Maintain records of implemented procedures which document a patient's responses to treatment;

(3) Provide input for interdisciplinary treatment planning, inservice training, and other activities directed by a licensed audiologist or speech-language pathologist;

(4) Prepare instructional material to facilitate program implementation as directed by a licensed audiologist or speech-language pathologist;

(5) Recommend speech, language, and hearing referrals for evaluation by a licensed audiologist or speech-language pathologist;

(6) Follow plans, developed by the licensed audiologist or speech-language pathologist, that provide specific sequences of treatment to individuals with communicative disorders; and

(7) Chart or log patient responses to the treatment plan.

Source: Laws 1985, LB 129, §28; Laws 1988, LB 1100, §74. Operative date April 8, 1988.

71-1,195.07. Communication assistant; acts prohibited. A communication assistant shall not:

(1) Evaluate or diagnose any type of communication disorder;

(2) Interpret evaluation results or treatment progress;

(3) Consult or counsel, independent of the licensed audiologist or speech-language pathologist, with a patient, a patient's family, or staff regarding the nature or degree of communication disorders;

(4) Plan patient treatment programs;

(5) Represent himself or herself as an audiologist or speech-language pathologist or as a provider of speech, language, or hearing treatment or assessment services; or

(6) Independently initiate, modify, or terminate any treatment program.

Source: Laws 1985, LB 129, §29; Laws 1988, LB 1100, §75. Operative date April 8, 1988.

71-1,195.08. Communication assistant; supervisor; duties. (1) When supervising the communication assistant, the supervising audiologist or speech-language pathologist shall:

(a) Provide direct onsite supervision for the first treatment session;

(b) Provide direct onsite supervision of at least twenty percent of all subsequent treatment sessions per quarter;

(c) Provide regular and frequent inservice training, either formal or informal, which is directly related to the particular services provided by the communication assistant; and

(d) Prepare semiannual performance evaluations of the communication assistant.

(2) The supervising audiologist or speech-language pathologist shall be responsible for all aspects of patient treatment.

Source: Laws 1985, LB 129, §30; Laws 1988, LB 1100, §76. Operative date April 8, 1988.

71-1,195.09. Communication assistant supervisor; report required. The supervising audiologist or speech-language pathologist shall provide the communication assistant with an evaluation, supervision, and training, including at least ten hours each year of inservice training in areas related to the services provided by the communication assistant pursuant to section 71-1,195.08. Such training shall be verified by annual reports to the department. The audiologist or speech-language pathologist shall keep accurate records of such evaluation, supervision, and training.

Source: Laws 1985, LB 129, §31; Laws 1988, LB 1100, §77. Operative date April 8, 1988.

71-1,196. Sale of hearing aids; audiologist; statutes applicable. Any audiologist who engages in the sale of hearing aids shall not be exempt from sections 71-4706 to 71-4711.

Source: Laws 1978, LB 406, §23. Effective date July 22, 1978.

71-1,197. Repealed. Laws 1985, LB 129, §36.

71-1,197.01. Repealed. Laws 1988, LB 1100, §185.